

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ZON-20151 - APPLICANT: DIAMOND SPRINGS LLC -
OWNER: FIRST SOUTHERN BAPTIST CHURCH**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-1/d vote) recommends APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-20150) to an Office land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Variance (VAR-20152) and Site Development Plan Review (SDR-20149) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site, if approved.

Public Works

4. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
5. This site shall connect to the City of Las Vegas public sewer system at a location acceptable to the City Engineer.
6. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request to for a Rezoning (ZON-20151) to the “O” (Office) Zoning District on 0.69 acres on the east side of 6th Street, 335 feet south of St. Louis Avenue.

The applicant is seeking to develop an 11,100 square-foot professional office building for this location. Companion requests for a General Plan Amendment (GPA-20150), a Variance (VAR-20152), and Site Development Plan Review (SDR-20149) have been filed with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
3/05/58	The Board of Commissioners for the City of Las Vegas approved a Use Permit (U-0001-58) to construct, maintain, and use a church on property located at the southeast corner of 6 th Street and St. Louis Avenue.
8/29/75	The Board of Zoning Adjustment approved a Use Permit (U-0056-75) to allow the operation of a child care nursery, a pre-school, and to conduct educational programs on property located at 700 E. St. Louis Avenue.
6/23/92	The City Council approved the reclassification of property (Z-0024-92) located at 700 East St. Louis Avenue from R-1 (Single Family Residential) zoning to C-V (Civic) zoning for the remodel and expansion of an existing church.
04/12/07	The Planning Commission recommended approval of companion items GPA-20150; VAR-20152 and SDR-20149 concurrently with this application. The Planning Commission voted 5-0-1/d to recommend APPROVAL (PC Agenda Item #45/mh).
<i>Pre-Application Meeting</i>	
02/09/07	A Pre-application meeting was held with staff concerning the requirements to develop a vacant parcel associated with an existing church into an 11,100 SF professional office building. The applicant was informed of the requirements of a General Plan Amendment, a Rezoning, a Variance, and Site Development Plan Review.
<i>Neighborhood Meeting</i>	
3/14/07	A neighborhood meeting was scheduled in the First Southern Church, Fellowship Hall, 700 E. St. Louis at 5:30pm.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.69 acres

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PF (Public Facilities)	C-V (Civic) Zone
North	Church	PF (Public Facilities)	C-V (Civic) Zone
South	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential) Zone
East	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone
West	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	29,620 SF	NA
Min. Lot Width	60 feet	100 feet	Y
Min. Setbacks			
• Front	25 feet	207 feet	Y
• Side	10 feet	10 feet	Y
• Corner	15 feet	NA	NA
• Rear	15 feet	15 feet	Y
Max. Lot Coverage	30%	19%	Y
Max. Building Height	2 stories of 35 feet, whichever is less	35 feet	N*
Trash Enclosure	Screened & covered	Screened & covered	Y
Mech. Equipment	Screened	screened	Y

*Although this proposal meets most of the Design Standards as listed by Title 19.08, the proposal does not meet the Residential Adjacency Standards. A Variance (VAR-20152) has been requested a companion item.

Pursuant to Title 19.08.060, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	114 feet	15 feet	N
Adjacent development matching setback	15 feet	15 feet	Y
Trash Enclosure	50 feet from residential		Y

Pursuant to Title 19.12, the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/ 6 Spaces	4 Trees	1	N
Buffer: Min. Trees	1 Tree/ 20 Linear Feet along north perimeter; 1 Tree/ 30 Linear Feet along south, east, & west perimeters	10 Trees; 18 Trees	26	Y
TOTAL		32 Trees	55	Y
Min. Zone Width	8 Feet		12 Feet	Y
Wall Height	6 Feet		8 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other Than Listed	11,100 SF	1:300	37	2	38	2	Y
TOTAL			37	2	38	2	Y

ANALYSIS

The applicant is requesting a Rezoning from the existing C-V (Civic) Zoning District to the O (Office) Zoning District. A General Plan Amendment has been requested to accommodate a change in land use from a portion of an existing lot that was used as a parking lot to an existing church. Although the applicant is requesting a Zoning District that is in compliance with the requested General Plan Amendment, the two requests in total would constitute "Spot Zoning" as defined in Title 19.20. as such:

"Rezoning of a lot or parcel or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan."

Because the applicant's proposal for an office use in a residential context can be accomplished with the SC (Service Commercial) land use designation and C-1 (Limited Commercial) zoning without resulting in a parcel zoned in isolation from the adjacent properties that are under the SC (Service Commercial) land use designation, staff recommends denial.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

As the associated request for the General Plan Amendment to the "O" (Office) land use category has been recommended for denial by staff and the request for a Rezoning to the associated Office zoning district would constitute spot-zoning in nature. Therefore, staff recommends denial.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The proposed use of professional office is compatible with the surrounding land uses and zoning districts. However, the requested General Plan Amendment and Rezoning to the O (Office) land use category and "O" (Office) zoning District would constitute Spot Zoning. Staff recommends that the SC (Service Commercial) land use and C-1 (Limited Commercial) zoning District would facilitate the proposed use without creating the Spot Zoning condition.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

Per the stated policies listed in the Las Vegas Master Plan, this property, along with the adjoining southern properties maintaining the SC (Service Commercial) land use designation, have remained undeveloped for some time. With a General Plan Amendment to a more suitable SC (Service Commercial) land use category and C-1 (Limited Commercial) zoning District, the proposed, low-intensity commercial use such as this professional office would be beneficial to the immediate area.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

6th Street, classified as a Local street, would be suitable for only low-intensity commercial uses such as this professional office. Staff believes that the impact from increased traffic would be minimal if restricted to this type of use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 310 by Planning Department

APPROVALS 0

PROTESTS 1